

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
FILE NO. 3:12-CV-00815-FDW-DSC

AMELIA HARRIS)
SSN# XXX-XX-4438)
Plaintiff,)
vs.)
CAROLYN COLVIN,) ORDER
Acting Commissioner of the)
Social Security Administration,)
Defendant.)
_____)

THIS MATTER is before the Court pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412, and in light of this Court's Judgment and Order remanding this case to the Defendant for further proceedings.

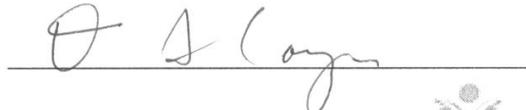
Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 130 S.Ct. 1251 (2010), the attorney's fees in this matter are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the Government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the Government that would subject this award of attorney's fees to offset, the Commissioner has represented that she will honor a signed assignment of EAJA fees providing for payment to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the Government any debt subject to offset, Plaintiff acknowledges

that the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff rather than to counsel. The Commissioner has represented that, should this occur, any remaining fees made payable to Plaintiff shall be sent to Plaintiff's counsel.

IT IS THEREFORE, ORDERED that the Defendant Social Security Administration pay attorney's fees in the amount of \$6,000.00, which the Court finds to be reasonable and in full satisfaction of any and all EAJA attorney fee claims Plaintiff may have in this case, and that payment be made under the conditions stated above.

SO ORDERED.

Signed: February 4, 2014



David S. Cayer
United States Magistrate Judge


Consented to:

s/Margaret B. DeVries
Attorney for Plaintiff

s/Hugh Dun Rappaport
Special Assistant United States Attorney